

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In re Tyco International, Ltd.
Multidistrict Litigation (MDL 1335)

CASE NO. 02-md-1335-B
ALL ACTIONS

ORDER ADDING THE "HESS PLAINTIFFS" AS "PARTIES"
TO THE MARCH 11, 2005 STIPULATED PROTECTIVE ORDER

WHEREAS, the action captioned Robert Hess, et al. v. Tyco International, Ltd. et al., No. BC316539 currently pending in the Superior Court, State of California, County of Los Angeles (the "Hess Action") arises, in part, from facts at issue in the Multi-District Litigation consolidated in this Court under the caption In re Tyco International Securities, Derivative, and "ERISA" Litigation, No. 02-1335-B (the "Tyco MDL Litigation");

WHEREAS, Tyco International, Ltd. ("Tyco"), PricewaterhouseCoopers, LLP ("PwC"), L. Dennis Kozlowski ("Kozlowski"), and Mark H. Swartz ("Swartz") are parties to both the Tyco MDL Litigation and the Hess Action;

WHEREAS, to protect the confidential information of all parties and to facilitate discovery in the Hess Action, the Hess Plaintiffs and Tyco jointly agree that it is advisable to allow the Hess Plaintiffs access to confidential material produced in the MDL Litigation, including confidential material accessible on

a database maintained by the Court Reporting firm Veritext;

WHEREAS, the Hess Plaintiffs should have the same ability to access confidential information, and the same obligations to refrain from disclosing confidential information, as those entities defined as "Parties" under the terms of the March 11, 2005 Protective Order entered in the MDL Litigation;

WHEREAS, the Hess Plaintiffs agree to submit to the jurisdiction of this Court for the sole and limited purpose of enforcing their compliance with the terms of the March 11, 2005 Protective Order, and for no other purpose;

THEREFORE,

(1) The Plaintiffs in the action Robert Hess, et al. v. Tyco International, Ltd. et al., No. BC316539 currently pending in the Superior Court, State of California, County of Los Angeles (the "Hess Action") shall be deemed "Parties" to the Stipulated Protective Order dated March 11, 2005 (attached hereto as Exhibit A) as modified by the Court's order of May 17, 2005 (attached hereto as Exhibit B);

(2) This Court shall retain jurisdiction over the Hess Plaintiffs for the sole and limited purpose of enforcing their compliance with the terms of the March 11, 2005 Protective Order, and for no other purpose;

(3) With the exception of the categories set out in paragraph (4) below, the Hess Plaintiffs shall be entitled to

access all documents, deposition transcripts, exhibits, or other information produced in the MDL Litigation, including information stored electronically by the Veritext Court Reporting Firm, on the same terms and conditions as other parties to the Stipulated Protective Order dated March 11, 2005.

(4) The Hess Plaintiffs shall not review or make use of the following material, which shall be identified by the Plaintiffs (the "Ballard Plaintiffs") in Ballard et al. v. Tyco International, Ltd., No. Civil No. 04-CV-1336-PB, MDL Docket No. 02-MDL-1335-PB et al., (the "Ballard Action") by bates number or other identifying system:

- a. Documents produced by the Ballard Plaintiffs in the Ballard Action;
- b. Documents that concern the Ballard Plaintiffs and that were produced by the Ballard Plaintiffs' personal financial advisors;
- c. Written discovery demands and responses propounded solely in the Ballard Action;
- d. Transcripts of any deposition taken (i) of any of the Ballard Plaintiffs or (ii) of any personal financial advisor to the Ballard Plaintiffs to the extent that the transcript concerns the Ballard Plaintiffs;

- e. Expert reports served by the Ballard Plaintiffs, and other expert reports served in the Ballard Action to the extent that those reports discuss confidential personal information of the Ballard Plaintiffs
- f. Other references to the personal finances or confidential financial information of the Ballard Plaintiffs.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

May 30, 2008

cc: Counsel of Record